

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

SCHACHLE DENAY TOLLIVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 1:21-CV-102-TAV-SKL
	)	
N. BATES; Deputy Sheriff,	)	
JAMES W. HAMMOND III, Sheriff;	)	
GERALD WEBB, JR., Judge;	)	
BILL LEE, Governor of Tennessee;	)	
LUKE MURRILLO, and	)	
FIRST PROPERTY MANAGEMENT;	)	
	)	
Defendants.	)	

**ORDER**

This civil matter is before the Court on the Report and Recommendation (R&R) entered by United States Magistrate Judge Susan K. Lee on July 1, 2021 [Doc. 6], regarding pro se plaintiff Schachle Denay Tolliver's application to proceed in forma pauperis [Doc. 1]. Judge Lee previously had allowed plaintiff to file an amended complaint to cure various deficiencies and warned plaintiff that "any failure to state a claim in an amended complaint will result in the dismissal of this action" [Doc. 3 p. 5]. After plaintiff did not do so within the time allotted, Judge Lee then issued the R&R recommending dismissal without prejudice. Accordingly, the magistrate judge also recommends that defendant's application to proceed in forma pauperis [Doc. 1] be denied as moot.

There have been no timely objections filed to the R&R,<sup>1</sup> and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court agrees with the magistrate judge's recommendations. Accordingly, the Court **ACCEPTS** the R&R [Doc. 6] in full pursuant to 28 U.S.C. § 636(b)(1). This action is **DISMISSED WITHOUT PREJUDICE**, and defendant's application to proceed in forma pauperis [Doc. 1] is **DENIED as MOOT**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Docket notations were made [Docs. 5, 7] that mail containing the previous order allowing for an amended complaint, the notice regarding the requirement to notify the Court of a change of address, and the R&R sent to plaintiff at the address listed were returned as undeliverable. The envelope has a notation by the U.S. Postal Service that the mail was unable to be forwarded. Though the Court was unable to specifically notify plaintiff of the requirement to update the Clerk and other parties to the proceeding with any change of address pursuant to Local Rule 83.13, the Rule nonetheless states that parties "proceeding *pro se* shall be expected to be familiar with and follow . . . these rules."